Crl. Revision No. 2204 of 2007

Darshan Singh v. State of Punjab

Present: Mr. Surinder Garg, Advocate
for the petitioner.

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This revision petition has been filed against the order dated 18.10.2007 passed by the learned Sessions Judge, Faridkot in revision against the order dated 29.09.2007 passed by the learned Additional Chief Judicial Magistrate, Faridkot.

A case for the commission of an offence under Section 379 Indian Penal Code ('IPC' - for short) was registered against one Raj Kumar. The said Raj Kumar was ordered to be released on bail and Darshan Singh-petitioner furnished surety in the sum of Rs.10,000/- with an undertaking that the accused Raj Kumar shall appear in the Court on each and every date of hearing. The surety bond furnished by the petitioner was accepted and attested by the Court on 19.09.2001. The accused Raj Kumar, however, absented from Court on 08.05.2007 and has not appeared thereafter. His bail bonds were cancelled and forfeited to the State. Besides, notice was issued to the surety-Darshan Singh (petitioner). On appearance of the petitioner-Darshan Singh, a notice was served upon him in terms of Section 446 of the Code of Criminal Procedure (“CrPC” - for short). The petitioner accepted the contents of the notice and sought time to produce Raj Kumar. Time was granted to him but he failed to produce Raj Kumar in Court. Accordingly, the learned Additional Chief Judicial Magistrate, Faridkot has imposed a penalty of Rs.10,000/- vide order dated 29.09.2007. The petitioner assailed the said order by way of revision before the learned Sessions Judge, Faridkot who has dismissed the

same. The said order is now assailed by the petitioner before this Court.

Learned counsel for the petitioner has submitted that the petitioner is not liable to be held responsible, in case, Raj Kumar has absented from the Court. In any case, it is submitted that a lenient view is liable to be taken against the petitioner. Besides, it is submitted that the petitioner is a poor and an illiterate person and it is difficult for him to deposit such a huge amount. Therefore, it is submitted that the penalty that has been imposed is liable to be waived or in any case, it may be reduced.

After giving my thoughtful consideration and perusing the record, it may be noticed that the accused-Raj Kumar has absented himself from the case that was registered against him for the offence under Section 379 IPC. He did not put in appearance before the Court on 08.05.2007. Thereafter, he has not appeared in the Court and the petitioner has also not produced him.

In the circumstances, the imposition of penalty of Rs.10,000/- by the two Courts below concurrently is just and reasonable and no interference, in exercise of the revisional jurisdiction of this Court, is required.

Consequently, there is no merit in this revision petition and the same is dismissed.

(S.S. SARON)
JUDGE

November 23, 2007
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